

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKJOHN R. BLUMATTE, a/k/a ROBERT
ANGONA, a/k/a JOHN BLUE,*Plaintiff,**-against-*

GERARD QUINN, DONALD ROGERS,
STEPHEN FARTHING, RANDOLPH LERNER,
JR., DAVID LEVINSON, RUSSELL
WILKINSON, EILEEN GUGGENHEIM,
ROBERT BOLANDIAN, CHRISTOPHER
FORBES, MARGOT GORDON, ROLAND
GRYBAUSKAS, LUDWIG KUTTNER,
DOUGLAS OLIVER, DAVID SCHAFER,
DENNIS SMITH, THE GRADUATE SCHOOL
OF FIGURATIVE ART OF THE NEW YORK
ACADEMY OF ARTS, and JEFFREY C. SLADE,

Defendants.

No. 2007 Civ. 2944 (JSR)

**DECLARATION OF
BENNETTE D. KRAMER IN
SUPPORT OF MOTION TO
DISMISS AMENDED
COMPLAINT**

BENNETTE D. KRAMER, makes the following declaration under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am a member of the bar of the State of New York and of this Court and of the law firm of Schlam Stone & Dolan LLP, counsel for Defendants Stephen Farthing, Randolph Lerner, Jr., David Levinson, Russell Wilkinson, Eileen Guggenheim, Robert Bolandian, Christopher Forbes, Margot Gordon, Roland Grybauskas, Ludwig Kuttner, Douglas Oliver, David Schafer, Dennis Smith (collectively, the “Academy Defendants”) and the Graduate School of Figurative Art of The New York Academy of Art (the “Academy”). I make this Declaration in support of the Academy Defendants’ and the Academy’s Motion to Dismiss the Amended Complaint dated July 18, 2006 of Plaintiff John R. Blumatte a/k/a Robert Angona a/k/a John Blue (“Plaintiff”) pursuant to Rule

12(b)(6) for failure to state a claim. I make this Declaration based upon my personal knowledge and information in the files of Schlam Stone & Dolan LLP.

2. Attached hereto as Exhibit A is a true and correct copy of the Amended Complaint in the above-referenced action, filed on July 20, 2007.

3. Attached hereto as Exhibit B is a true and correct copy of the transcript of proceedings before the Honorable Ronald A. Zweibel, Justice of the Supreme Court of New York, on October 8, 2004.

4. Attached hereto as Exhibit C is a true and correct copy of the transcript of proceedings before the Honorable Ronald A. Zweibel, Justice of the Supreme Court of New York, on December 1, 2006.

5. Attached hereto as Exhibit D is a true and correct copy of a January 17, 2006 decision and order by the Supreme Court of the State of New York (Hon. Ronald A. Zweibel, JSC) denying Robert Angona's motion to set aside a sentence.

4. Attached hereto as Exhibit E is a true and correct copy of the transcript of proceedings before the Honorable Patricia Nunez, Judge of the Criminal Court of the City of New York, on May 3, 2004.

Dated: New York, New York
July 25, 2007



Bennette D. Kramer (BK-1269)